

OBSERVATIONS

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WEST INDIA PLANTERS

INTEND TO MAKE FOR

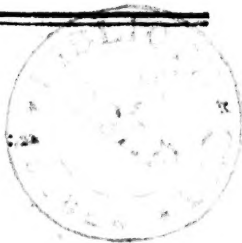
A L A W,

EITHER TO PROHIBIT THE IMPORTATION OF FOREIGN MELASSES INTO THE BRITISH COLONIES ON THE CONTINENT OF AMERICA,

OR TO PROHIBIT THE DISTILLING OF ANY MELASSES WHATEVER IN THOSE COLONIES.

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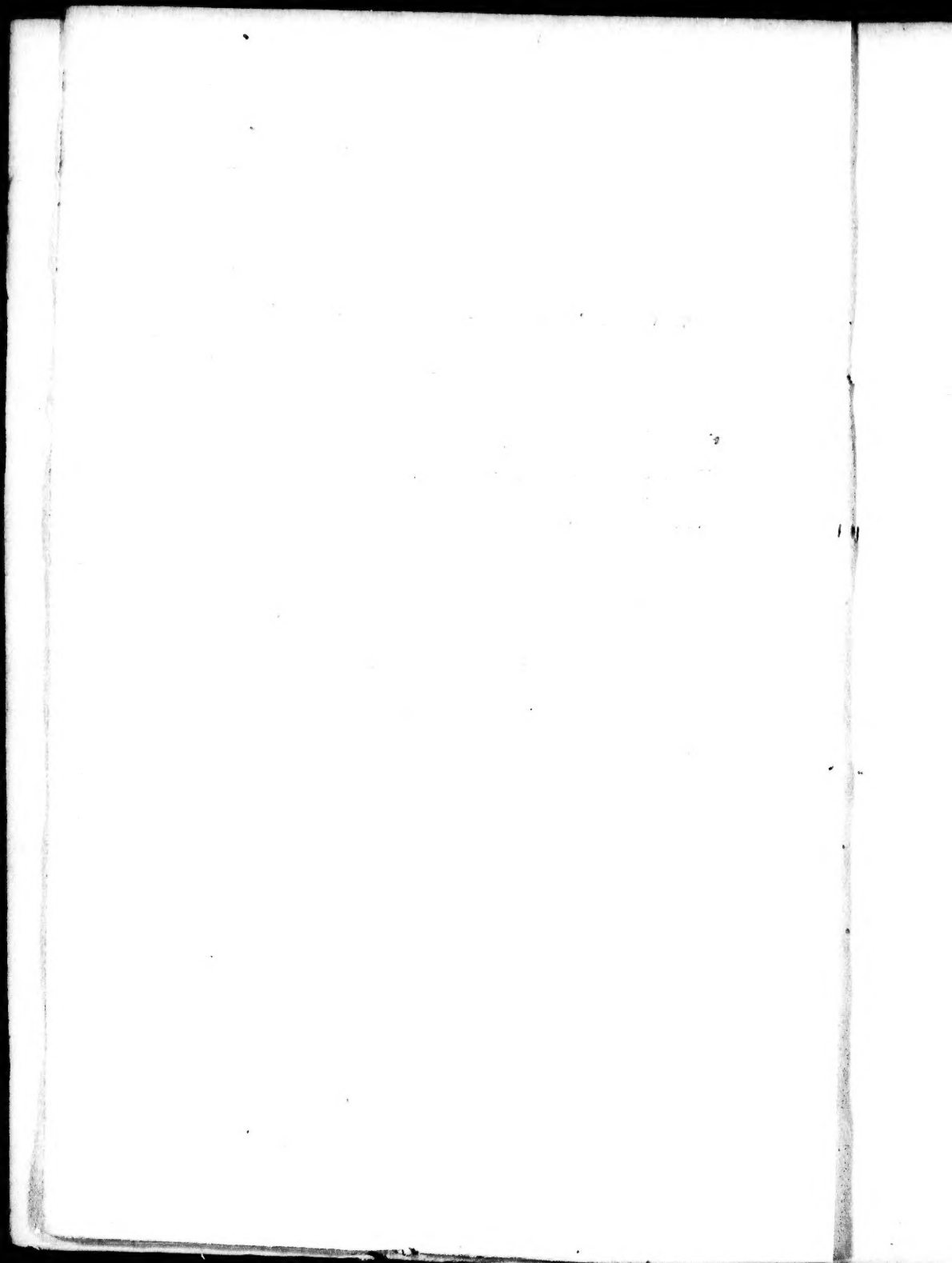
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WHETHER it be the importation of foreign melasses, or the distilling of any melasses, either foreign or British, that the West India Planters propose to prohibit, is not yet known to the Writer of these Observations: Nor is it of much consequence, because there is very little of the argument therein used that does not operate equally against either proposition.

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OBSERVATIONS, &c.

ALTHO' it be a principle of modern colonization, that the Commerce of a Colony should be subordinate to that of the Country on which it depends, yet as Colonies are among themselves perfectly equal, it is neither politic nor just, to impose restraints on the trade of one, in order to favour that of another. Though, therefore, our navigation laws secured to the Mother Country the monopoly of all such parts of its Colony Trade as it could carry on with advantage; yet, between the several Colonies no monopoly was established, nor any restraint whatever imposed. Foreign vessels were excluded from them all; but in British vessels they might import the produce of Foreign Plantations as freely as that of our own. On this footing the Colony Trade continued till 1732. The

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West-India Planters then complained that the trade of the French Sugar Islands was flourishing, whilst theirs was on the decline.—This they attributed in a great measure to the trade which was carried on between the former and our Colonies on the Continent; and therefore they prayed that that trade might be restrained, by imposing such duties on it as might secure to them the supply of all the articles of West-Indian produce that the North Americans should stand in need of.—One of the duties they proposed, was 6d. per gallon on all Foreign melasses. This in particular met with considerable opposition in Parliament. Sir John Barnard, who appears in general to have been a strenuous advocate for the Sugar Colonies, yet thought this a very improper mode of encouraging them; because, in proportion as it proved beneficial to them, it would be detrimental to the Colonies on the Continent. He is stated to have said, that, “ as the trade then stood between our Northern Colonies and the French Sugar Islands, it appeared that our Colonies bought melasses of them at a very low price, and distilled them into rum; by which they provided themselves, at
 “ a small

“ a small charge, with an article so necessary for
 “ them in their trade with the Indians, and in
 “ their fishing trade. They had, it was true, most
 “ of their materials for making this rum from
 “ the French; but then the manufacture was all
 “ their own, and thereby a great many of our sub-
 “ jects in that part of the world were employed
 “ and maintained.—As to a small duty on foreign
 “ rum and melasses, he would not be altogether
 “ against it; but then it ought only to be a small
 “ duty, for the sake of giving an advantage to
 “ our own Sugar Colonies in that respect, not
 “ such a high duty as was in a manner equal
 “ to a prohibition; for that was granting a
 “ monopoly to our Sugar Islands, with respect
 “ to a commodity that is absolutely necessary
 “ for our Northern Colonies, both in their
 “ fishing trade, and in their trade with the na-
 “ tive Indians;—and as the French were our
 “ rivals in both those trades, we were about to
 “ give them a certain advantage over our own
 “ Colonies.” The West-Indian interest, how-
 ever, prevailed, and by the 6th of George II.
 c. 13, the proposed duties were laid on. But

Government appears to have been so well convinced of the justice of Sir John Barnard's reasoning, that no serious attempt was ever made to enforce the payment of the duty on melasses. Great quantities were still imported, and new distilleries erected every year.

In the year 1750, the West-India Merchants and Planters made a new effort to monopolize to themselves the trade of North America. They presented a petition to Parliament, stating the many disadvantages which resulted from the trade between North America and the Foreign Islands, and the great benefit and encouragement which our Sugar Islands would derive from the total prohibition of that trade ;—and they concluded, with praying that an Act might be passed for that purpose.—Counter petitions were thereupon presented by the Agents for all the Continental Colonies, praying for time to receive instructions from their Constituents relative to so alarming a measure. And a petition was presented by the Merchants interested in the North American trade, giving a full answer to
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the allegations contained in the West-India petition. As to the article of melasses in particular, they insisted that some of the most essential branches of the American trade must be ruined, if the proposed prohibition should take place; for that they could not afford to purchase West-India rum, nor could they get melasses from our own Islands at any price at which they could afford to distil them. The House of Commons seem to have been satisfied of the impolicy of the proposed prohibition; for the matter dropped in the Committee of the whole House, to which the petitions were referred. Things, therefore, remained on the footing of the Act of 6th of G. II. which was continued, from time to time, till the year 1764; when it was, with several alterations, made perpetual. Those alterations were almost all in favour of the West-India Islands. And yet at that time, when Parliament went greater lengths than they had ever before done, in laying restraints on the trade of America, it seems to have been understood, that it would be impolitic to discourage the distilleries, or to prohibit the importation of foreign melasses. For,

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although duties, amounting to prohibitions, were laid on almost every other article of foreign West-India produce, the duty on foreign me-lasses was reduced to 3d. per gallon. This, it was thought, the trade would be able to bear, without any sensible inconvenience. The Americans, however, conceived, that the advance in the price of rum which even this duty would occasion, would be prejudicial to their trade ; and Governor Bernard, in one of his letters, professes himself to be of that opinion. By the Act that passed this year, the importation of Foreign Plantation spirits into the Colonies was totally prohibited ; a measure that operated as much in favour of the American distilleries, as of the West-India Islands. In the following year, the opposition to the Stamp Act brought the Americans, and those concerned in their trade, to act together with greater concert, and more effect, than they had ever before done. The restraints that had been laid on them in favour of the West-Indies, became one of the subjects of complaint. Mr. Pitt (afterwards Lord Chatham) in his speech on the repeal of the Stamp Act,

Act, recommended a revival of the whole commercial system of America ; and complained in particular “ that improper restraints had been “ laid on the Continent in favour of the Islands.” In 1766, the subject was very thoroughly investigated, and the result was, that Government were satisfied that almost every restriction on our communication with Foreign Plantations, was a restriction unfavourable to ourselves. The West-Indians beginning to be afraid that all the restraints that they had got imposed on North America would be removed, their Committee thought fit to make advances towards a compromise. They were willing to let all the new prohibitory duties of 1764 be taken off, and the duty on melasses reduced to 1d. per gallon ; provided the old duties of 1733 were in other respects permitted to continue. To this the American Committee consented, and this agreement formed the basis of the 6th of George III. c. 52, by which a duty of only 1d. per gallon was laid on melasses, whether British or Foreign, imported into the Colonies on the Continent. Subject only to this duty (with the addition

dition of such Provincial duties as may have been imposed for the purposes of Provincial revenue) foreign melasses may at present be imported in British vessels into our remaining Colonies in North America. It appears from this review, that the permission to distil melasses has hitherto been thought essential to the prosperity of the North American Colonies. In not enforcing the first duty—in fixing only a moderate duty on foreign melasses, when prohibitory duties were laid on almost all other articles of Foreign Plantation produce—and in finally reducing even that second duty, and putting Foreign and British melasses on the same footing, several successive Administrations have shewn their conviction of the truth of this proposition. Yet at no former period would a prohibition have been half so impolitic as it would be now. This, it is presumed, will appear from the following objections to the proposed measure :—

1st. As great quantities of rum are used in the Indian Trade, and in the Fisheries, the
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country that can furnish that article the cheapest, must necessarily have the advantage in those branches of Trade. To put a stop to the Distilleries in our remaining Colonies, and oblige them to use only West-India rum, would be to give the United States such a decided advantage in those Trades, as to render all competition with them utterly impracticable. For the rum distilled in the North American Colonies, was always considerably cheaper than that imported from the West-Indies, and was just as acceptable to the Indians and the Fishermen as the highest-priced spirits that the Islands produced. Every monopoly necessarily occasions an augmentation of price; and the West-Indians having our North American Colonies at their mercy, may carry that augmentation to whatever length they think fit. The Americans, on the other hand, being, by this prohibition, freed from all competitors in the purchase of foreign melasses, will be able to procure that article on better terms, and consequently sell their rum cheaper than they ever did before. This prohibition will therefore, in all probability, greatly increase the difference

between the prices of American and West India rum. And to the extent of that difference, an advantage will be given to the subjects of the United States over our own Colonists. A gallon of American rum will purchase as much peltry as a gallon of West India rum. If the American can furnish his rum for 1s. 3d. or 1s. 6d. per gallon, and the Canadian trader is obliged to use West India rum, which stands him in from 2s. 9d. to 3s. 6d. (or as much more as the West Indians may think fit to charge) it is manifest, that the latter must instantly be beat out of the trade. The same observation holds with regard to the Fisheries. The quantity of rum consumed in them is very great. It is a part of the expence of carrying them on. If, as far as that article goes, the Americans carry on theirs at one half, or one third less expence than we do ours, it is clear, that we must sell our fish so much dearer, and consequently cannot dispose of a single quintal at any market which they can supply. Independent of this advantage proposed to be given to the Americans by positive law, they are supposed to possess already such natural advantages as to render bounties necessary,

fary, to enable our Colonists to enter into competition with them. It would be a whimsical system to give a bounty with one hand, and to lay on a tax more than equivalent to that bounty with the other. Whatever augmentation in the price of rum the proposed prohibition may occasion, will, in reality, be a tax upon our Fisheries, and a bounty on those of the United States. If a prohibition had existed before, it would now be necessary to take it off. In the years 1764 and 1766, when the two last regulations, relative to the importation of melasses, were made, the whole Continent belonged to us: we had then no competitor in the Fur Trade, nor any rival Distilleries at our door to take advantage of the stoppage of ours. Yet even in that situation it was not thought fit to prohibit the distilling of melasses. On the contrary, the duty on their importation was lowered. Yet a measure that was not thought politic in those circumstances is proposed now that the American States are become our rivals, and when it is by means of their Distilleries that this rivalry is to be supported. What other measure could they themselves de-

wife in order to secure a complete superiority over our Colonists in the Fishery and Fur Trade ? The measure proposed operates doubly in their favour.—It not only augments the price of rum to our Colonists, by establishing a monopoly of it against them, but it lowers the price of theirs, by leaving them without any competition in the purchase of melasses at the Foreign Islands. The policy required by our present situation seems obviously to be, to take off even the present duties on melasses, and to give every possible encouragement to the Distilleries, as the surest method of lowering the price of rum. If the duties on the importation of the melasses should not be taken off, it would at all events be proper to allow a draw-back when the rum distilled from them is exported to Newfoundland. This is the likeliest method of preventing that Island from being supplied with New England rum. If we mean to attempt to cope with the Americans in the Fisheries and Fur Trade, we must take the same means that they do, to supply ourselves at the cheapest rate with the materials for carrying on those trades. The competition

tition between the West India rum, and the rum distilled in our North American Colonies, has a tendency to keep both at a reasonable price. To create a competition, even if none had previously existed, would be an expedient measure; but to destroy the competition, and create a monopoly, with regard to a commodity whose cheapness is essential to the advantageous prosecution of the two branches of trade that have been mentioned, is such a measure as cannot, consistently with any principle of policy, be proposed or adopted.

2d. This measure will injure our Fisheries in another way, by cutting off one of the markets now open for their produce. The French, at present, take fish from us in return for the melasses we take from them. But if we cease to take their melasses, we shall lose the sale of so much of our fish. As long as they think fit to permit this trade, it would not be adviseable for us to shut ourselves out from a share in it; for the effect of the exclusion would be to give
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the French and American Fishery an additional encouragement at the expence of ours.

3d. To the measure of prohibiting the importation of foreign melasses, there occurs one objection, which does not apply, if the proposal be to prohibit the distilling, but not the importing them. It is this—

As the common drink of the people in our Northern Colonies is spruce-beer, in which melasses are a necessary ingredient, it would be a great hardship to prevent the importation of that article from whatever place it can be got cheapest. It would be impossible to brew spruce-beer for common use, from the melasses of our Islands, even at their present price—still less at the augmented price which they would bear, if the proposed prohibition should take place.—It is obvious, that the West-India Planter will never sell his melasses for much less than he can get for the rum into which he may convert them. The beer brewed from such melasses would come much too dear for the consumption
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of the common people, who must, therefore, be totally deprived of that wholesome beverage to which they have always been accustomed.

4th. The employment of shipping is the great object of Colony Trade. Now, the importation of melasses, to be afterwards distilled, will employ more shipping than the importation of rum. For West-India rum may be made greatly over-proof, and will of course be sent in that state for the purpose of saving freight : so that 100 gallons imported, may, when properly lowered, supply the market with at least 125 gallons. Whereas, from 100 gallons of melasses imported, no more than 100 gallons of common proof rum can come into the market. It is manifest, therefore, that if all the rum consumed in our North American Colonies were furnished from melasses imported, one fourth more shipping would be employed, than if over-proof rum were imported in the first instance, and afterwards lowered for use.

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5th. The foregoing objections are stated on the supposition, that the West Indians are certain, if the proposed prohibition takes place, of having the supply of all the rum that would otherwise be distilled in our North American Colonies. But there is every reason to believe, that the suppression of the Distilleries in those Colonies would be a much greater encouragement to the Distilleries of the United States, than to those in our West India Islands. The difference that there must be between the prices of New England and West India rum will be a temptation to smuggling, and there does not seem to be a possibility of preventing it. To guard the whole Coast of Nova Scotia, the Gulph and River of St. Lawrence, and the Banks of Newfoundland, is absolutely impracticable. The French, it is said, have even found it impossible to prevent the smuggling of rum into the small Islands of St. Pierre and Miquelon. Our Fisheries would be entirely supplied with New England rum—Nova Scotia is accessible in every part—Even with the internal parts of Canada the Americans have an easy communication,
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and have already begun to carry on an illicit traffic. As they have now lost the great market they had for their rum on the Coast of Africa, it becomes the more important to them to endeavour to get the supply of our Colonies and Fisheries, to which nothing can so effectually contribute as the suppression of the Distilleries in those Colonies. Were the Americans themselves to have the choice of the measures best adapted for the attainment of that end, this would certainly be the first that they would propose. In 1764 and 1766, all idea of suppressing the Distilleries was given up, even by the West Indians. They acquiesced in the encouragement given them in the latter year by the reduction of the duty on melasses—Yet, if the prohibition had then taken place, it must have operated effectually in favour of the West Indians. Whereas now, though the injury our North American Colonies will suffer from it be certain, the gain to any body but the United States is extremely doubtful.

The suppression of each Distillery in our Colonies will be a premium for the erection of one

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In the American States; and the West Indians will find, that by getting rid of the fair competition of their fellow subjects, they have only been encouraging the clandestine trade of a foreign rival. It ought to be considered, that this is not a subject for hazarding an experiment; because, if the prohibition should take place, and the apprehensions relative to its consequences should turn out to be well founded, a repeal of the law would not remedy the evil. Our Distilleries will be stopped—the trade will be broke up, and cannot, without much difficulty and preparation, be renewed. The Americans will have found the proper ways of carrying on the smuggling business; their channels of communication will be established; and when they have once got hold of the trade, it will be extremely difficult, if not impracticable, to dispossess them. A doubt concerning the operation of the proposed law is, in such a case, a sufficient reason for not passing it,

Supposing, that notwithstanding the foregoing objections, it should be thought fit to persist

sist in this measure, the condition of the individuals, whose property would be affected thereby, requires some consideration. If the prohibition takes place, the Distilleries will become useless, and the proprietors of them will be deprived of their livelihood. Not suspecting that a trade which no law had ever prohibited would be taken from them, they have sunk considerable capitals in erecting the expensive works necessary for carrying it on. It cannot be proposed to deprive them of the use of their property, and take from them a beneficial employment, without making them an ample compensation for the loss they will sustain. If the West India Planters think that the trade of the British Distiller in North America interferes with theirs, they ought certainly to offer him a consideration before they can desire that he shall cease to carry it on. It does not follow, that even for a consideration a man ought to be obliged to part with his trade or with his property, merely because the West India Planters think fit to require it; but to be obliged to part with either on their re-

quisition, without a consideration, would be an injustice too glaring to bear to be stated. In strictness the West Indies have no more right to require that melasses shall not be distilled in the North American Colonies, than the North American Colonies have to demand that they shall not be distilled in the West Indies. Neither request would have the shadow of justice, unless accompanied by an offer of complete indemnification to those individuals on whose property and business the prohibition was directly to operate.

But supposing every objection on the part of the individuals immediately affected were to be removed by the receipt of an ample satisfaction for their loss, yet the Colonies to be consequentially affected, may still enquire upon what principle it is that the West Indians found their claim to have any new restraint laid on the trade of those Colonies? In answer to this enquiry it is said, that as in consequence of the exclusion of American shipping, the intercourse between the West Indies and that part of America which

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is subject to the United States is now cut off, the demand for the lumber, flour, &c. of our remaining Colonies on the Continent will be greatly increased, while the market for West India produce will be considerably diminished, and that, therefore, it is but reasonable that those Colonies should in return for the benefit they receive, submit to this prohibition, in order to compensate the Islands in some degree for the loss they sustain.—Supposing it even true, that Great Britain's refusal to allow the trade between the American States and the West Indies to be carried on in American shipping, should amount to a prohibition of the intercourse between them, yet the proposition grounded upon that assumed fact could not be maintained. Whatever change has lately taken place in the situation of our Colonies has been occasioned by the American revolution, and not by any law that Great Britain has passed relative to their trade. Had a restraint been imposed on the Islands, in order to favour the trade of the Colonies on the Continent, that would be a reason why the latter should submit to a reciprocal restraint in favour of

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of the former. But an accidental benefit obtained by one Colony can be no reason for imposing on it a legal restraint in favour of another.

Although the American Independence should in its effects prove beneficial to our remaining Colonies on the Continent, by creating a greater demand for their produce, yet that is a mere casual advantage, for which they are indebted to the revolution that has happened, and not to any stipulation entered into by the Islands, nor to any new regulation made in their favour by Great Britain. If a revolution of Nature had annihilated half the provinces of America, the effect would have been an increased demand, for the produce of the remainder. Yet they would not therefore have incurred an obligation to give any new advantages to those who should have resorted to them, in consequence of such a revolution. If the West Indies, having had a legal right to a free intercourse with the United States, had, in favour of our remaining Continental Colonies, consented to give up that right, or if Great Britain had, for that purpose,

pose, deprived them of it, they might with some reason demand, that, in favour of their trade, some equivalent restraint should be imposed on those Colonies. But they have neither given up, nor has Great Britain taken from them any right which they ever enjoyed. They never had a right to carry on their trade in foreign shipping. American ships are now foreign ships. Great Britain, by confining the trade of our Islands to British vessels, imposes no new restraint, but only refuses to take off a restraint to which they were always subject. Even though the effect of that restriction should be to cut off all intercourse with the United States, yet neither the loss that the West Indies suffer, nor the advantage that the remaining Colonies on the Continent might reap by our adherence to our Navigation Laws, could be any reason for imposing new restraints on the trade of the latter, in order to promote that of the former. It is essential to the maritime interest of Great Britain, that the restriction of which the West Indians complain, should not be taken off; but it is by no means essential

tial to that interest, that the restraint proposed by them should be laid on. The refusal to remove the one, cannot, therefore, be a reason for imposing the other.

Even if the argument of the West Indians were in other respects just, it rests entirely on the assumed fact, that, by the restriction to British vessels, their intercourse with the United States is either entirely cut off, or greatly diminished. That such either is, or will be the effect of that restriction, has not hitherto been proved; yet until it is, they have not even, on their own principle, a pretext for their present demand. The prices which West India produce bears in our Islands, exhibit no symptoms of a diminished consumption; and if their trade has not yet suffered by the American revolution, there is no probability that it will suffer hereafter. All obstacles to it on the part of America will cease, as soon as the States shall see the final resolution of Great Britain to adhere to her Navigation Laws. The taxes and exclusions that have taken place in
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some of the States, with regard to British shipping, are mere experiments to try how far they can work on the apprehensions of those who dread the loss of the American Trade. But no man can be sanguine enough to expect that they will persevere in a policy, which would be so ruinous to them, and so beneficial to our remaining Colonies. It is so obviously their interest to have as many competitors as possible for the articles they have to sell, that they will never be mad enough, by excluding us from their market, to give the monopoly almost entirely to a single power. But admitting it to be possible that the consequence of our final resolution to exclude American ships from our Islands, may be a total interruption of the Trade between them and the United States, yet the West Indians are somewhat premature in founding a present demand on a possible future event. It will be time enough, when the ultimate arrangement shall be made with regard to the United States, to consider how far it may affect either the West Indies or our remaining Colonies. Those Colonies ought not to be made

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the subject of every experiment, which the West Indians, in their anxiety for increasing their profits, may think proper to try. To the new settlers in them it must be very unpleasing to see that they are to be considered as merely subservient to the interests of the Islands, and that the system of restraints, formerly so much complained of by America, is now to be carried much farther than it ever was before.

At all events, if restrictions are to take place, they ought undoubtedly to be reciprocal. If our Northern Colonies must take their rum from our Islands, the Islands ought to be restrained from getting their lumber and provisions from the United States. The West Indians cannot expect that they are to get a monopoly, without granting one in return ;—that they are to tie up our Continental Colonists, and remain at perfect liberty themselves. It is nugatory to say, that our Colonies will, in effect, have the monopoly of their supply. A monopoly existing only in speculation and argument, is no consideration for one that is to be secured by positive

fitive law. Without an express reciprocal prohibition, the proposal of the West Indians would be too grossly oppressive and unequal to be listened to for a moment.

But a prohibition, even though reciprocal, will be unjust, unless there results from it an equality of benefit. It is apprehended, that with regard to Canada such a prohibition would be by no means equal or fair. New Brunswick, which will in all probability be soon able completely to supply our Islands with lumber, would have the whole of that trade to itself. No vessel would go up the River St. Lawrence for a cargo of lumber, which they could get as cheap in the Bay of Fundy. The West India Committee have asserted in one of their publications, that no supplies of any consequence can ever be sent from Canada to the West Indies. On the other hand, it is well known, that if the proposed prohibition takes place, Canada must take from the West Indies very large quantities of rum to supply its extensive consumption. It is manifest, therefore, on their own statement,

that for a beneficial monopoly gained by them, and a grievous restraint imposed on Canada, the latter would receive no consideration. Not to rest merely on the assertion of the West India Committee, experience has shewn how little Canada is like to profit in its West India trade, from any event that has happened, or any regulation that has been made. As its exports to the West Indies have not increased, it is difficult to conceive what the benefit is for which it is called on to make a return. It would surely be unjust to impose a prohibition which, as has been already shewn, would greatly injure their trade in some of its branches; whilst, at the same time, no other branch of it has been benefited or extended by the regulations, which serve as the pretext for demanding that prohibition. It will be still more unjust, if it appear that the West Indians have already obtained greater advantages in their Trade with Canada, than Canada will ever derive from its Trade with them. Before the War, large quantities of rum were imported into Canada from New England. Of West India rum there was hardly any consumption.

tion. But the importation of New England rum is now prohibited; and the West Indies, by means of that prohibition, have got the monopoly of supplying our remaining Colonies with the whole of the excess of their consumption above what their Distilleries can produce. So beneficial is this prohibition to the West Indies, that more than one thousand puncheons of their rum are now imported into Canada for every hundred that were imported before. As the exports of Canada to the West Indies have not only not increased in that proportion, but have not increased at all, there is no ground on which the West Indians can rest their claim to new prohibitions, unless they can maintain, that in proportion as their Trade increases, that of Canada ought to be restrained; and that the more advantages they already have over that country, the more they are still entitled to demand.

As to Nova Scotia, it is not so clear whether the advantage it would derive from such restraint as may be laid on the West Indians in their trade
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With the United States, might not in some degree compensate for the inconveniences that the proposed measure would in other respects produce. The case seems to stand thus:—If the law should pass, our Colonists can no longer carry on the Fishery on equal terms with the Americans—But though it should not pass, they may rival the Americans, and perhaps have the advantage over them in the Lumber Trade. If the Lumber Trade could not be encouraged, but by a measure detrimental to the Fishery, it is not clear that it is the latter that ought to be sacrificed. But both may, no doubt, flourish together; and therefore a measure that would injure the one ought not to be adopted, although it should have a tendency to promote the other. The prohibition, unaccompanied by a reciprocal restraint, would be to Nova Scotia (what any prohibition will be to Canada) mere injury and oppression, without the least mixture of benefit.—Even if the prohibition were in itself ever so unexceptionable, yet it ought not to be laid on, unless it be certain that it will produce the effect intended by it. This prohibition, by the encouragement

agement it will give to smuggling, will in all probability defeat its own purpose, and deprive both our Continental Colonies, and the West Indies, of a Trade which the latter are attempting to engross. It would surely be much wiser to continue to divide it between them, than to give the Americans the chance of taking it from them both.

F I N I S.